General Assembly 3

Research Report
The Question of:
Access to religious sites in Jerusalem

Introduction

The idea of humans that there is something sacred in a specific place seems to be most embodied in the city of Jerusalem. In this city, the world's three major monotheistic faiths — Judaism, Christianity and Islam — all claim inextricable sacred ties. There is much that these three religions of Abraham have in common, but shared belief has not been translated easily into shared space. Over the past 2.000 years, these groups have struggled for control of the city and the holy places within it, leading to a difficult co-existence with periods of outright war.
Generally, the status of Jerusalem has been disputed for years in both international law and diplomatic practice. As both the Israelis and the Palestinians claim Jerusalem as their capital city, their arguments include issues of sovereignty over the city, with a great reference to access to holy sites.
The question whether all three religions have equal rights regarding the access to religious sites in Jerusalem is very intense in the international community today with States like Israel and Palestine, and organizations like UNESCO being actively involved in it.
According to Holy Places Law 5727 (1967), "The Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of the different religions to the places sacred to them or their feelings with regard to those places".

However, the United Nations cultural and heritage body, UNESCO, seems to believe that Israel does not comply with this law. Namely, UNESCO, has continuously been condemning Israel for allowing alleged aggression against the Palestinian people, as well as for failing to protect exclusive Muslim use of the Abrahamic holy site -the Temple Mount- and infrastructure work in East Jerusalem.
According to Israel, UNESCO's resolutions deny the importance of the holy site in Jerusalem's Old City, known to Muslims as al-Haram al-Sharif and to Jews as the Temple Mount, to the Jewish faith considering the fact that in a resolution, UNESCO referred to it and the al-Aqsa mosque only by their Muslim names. After the UN's cultural agency passed this resolution, Israel suspended ties with UNESCO.

All of the above lead to the conclusion that a place like Jerusalem, because of its holiness for three religions at the same time, makes the peaceful co-existence between all three of them and their equal rights for the access to these religious sites very hard to happen. This issue goes beyond the framework of these religious groups, because, as we saw with the cessation of relations between Israel and UNESCO, on the one hand, countries like Israel trying to protect their citizens' religious rights, but on the other hand international organizations like UNESCO attempting to find a fair solution for the international community, something very difficult to happen without opposing to or misrepresenting some States. An issue that seems to concern the international community a lot is the fact that currently, Muslims from Palestine cannot visit their holy sites easily and this is one of the problems that the GA3 must be in a position to solve.

The Committee

The General Assembly 3 (GA3) is one of the three GAs of LEMUN 2018. All three of them have the same rights. The GA3 talks about Social, Cultural and Humanitarian issues. This means we will talk about issues in the world from those three perspectives: bearing in mind relations, traditions and human rights. As in the United Nations the bigger part of the power lays with the Security Council, the General Assembly is only allowed to recommend actions and not permitted to force member states to do something. What it can do, is to use less strong Operative Clauses which could have a negative fallout in the news, such as 'Draws the attention to', and it has the executive power to make new committees, groups or to send funds.

This GA will be a normal committee. This means that all delegates will have to prepare resolutions, which we will entertain as a whole at once. In order to put your own resolution on the agenda, you have to reach the number of eight co-submitters, who also want it to be talked about, but are not necessarily in favor of it. These will all have to sign a form, which can be handed in at the chair's desk. If the chairs have received this form, they will send the resolution to the Approval Panel, and if it approves the resolution is likely to be debated upon if time allows us.

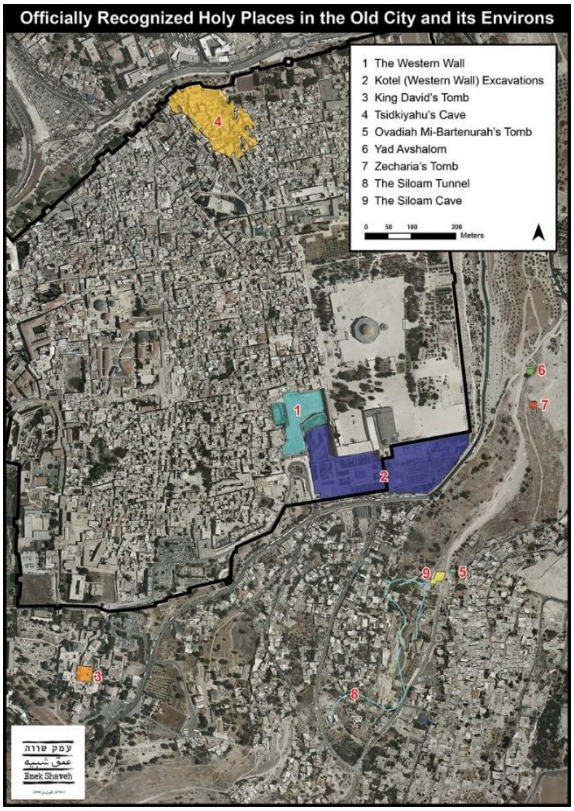
All three GAs will be reunited in the plenary session on Sunday. Every committee will pass forward one of the resolutions it has passed, and they will be debated and voted upon once more. Amendments are not anymore permitted though, but one can speak in favor of or against the resolution as a whole, and the main submitter gets the floor with the starting and ending of the debate. During the main part of the conference however, we will be debating in our own committee room.

Definition of Key Terms

Holy Site

A location that a religion considers to be of special religious significance. Holy sites are also called sacred sites. The following list is a list with the most known of the officially recognized holy sites in Jerusalem:

- Al-Aqsa mosque: For Muslims, the al-Aqsa mosque and the Dome of the Rock compound, in the heart of the Muslim Quarter in Jerusalem's Old City, are considered to be the third most holy after Mecca and Medina.
- The Temple Mount (for Jewish & Christians) al-Haram al-Sharif (for Muslims)
- The Western Wall
- The Church of the Holy Sepulchre
- The Garden Tomb



Map showing the officially recognized holy places

Occupied Palestine Resolution

The common name for Document 200 EX/25, a resolution passed on October 13, 2016, and formally ratified on October 26, 2016, as a decision of the Executive Board of UNESCO. It refers to Israel as "the occupying Power", and it condemns it for allowing an attack against the Palestinian people and also for failing to protect Muslims. It is a resolution that caused controversy and has been a common issue of discussion concerning the question of access to Jerusalem's religious sites nowadays. According to Israeli politicians, this resolution also denies the link between the Jewish and the region's holy sites.

Protection of Holy Places Law

The law voted by the Knesset (the Israeli parliament) in 1967 for the protection of Holy Sites and for the free access to them by members of all different religions. It also explains the punishment in case of violation of this law.

Waqf properties

Assets (buildings, plots of land etc.) donated by waqifs (donors) under Islamic law, which are held by charitable trusts.

General Overview

The city of Jerusalem is significant in Judaism, Christianity, and Islam, which consider it a holy city. Some of the most sacred places for each of these religions are found in Jerusalem and the one shared between all three is the Temple Mount (known to Muslims as the al-Haram al-Sharif). The peaceful co-existence between all three religions is difficult since the hill is considered as holy for all of them.

Judaism:

Jerusalem has been the holiest city in Judaism and the ancestral and spiritual homeland of the Jewish people since the 10th century BCE. The site of the Temple Mount is regarded as the place where God's divine presence is manifested more than in any other place.

The First Temple, at the site known as the Temple Mount today, was finished in 950 BC. When the Babylonians captured the city in 580 BC, they destroyed the temple and sent the Jews into exile. That is, all worshiping was practiced in the temple and only the temple. Today, the place is considered as the holy of holies for the Jewish people.

Christianity:

Jerusalem is mostly important to Christianity because that is where Jesus Christ was brought to occasionally as a child, preached to the poor in his adult life, crucified at the end of his life, and resurrected by God. The Church of the Holy Sepulchre is said to have been built over the location where Jesus was crucified and where the tomb was buried.

In Islam:

Jerusalem is considered a sacred site in Islamic tradition, along with Mecca and Medina.

The Mount is widely considered the third holiest site in Islam. It is considered as the location of Muhammad's journey to Jerusalem and ascent to heaven.

Historical Background

To understand the problem we are going to discuss, you should understand the history of Jerusalem. Jerusalem's history is very complicated, and the city has been disputed by many ethnicities and religions.

Jerusalem's antiquity

The history of Jerusalem dates back centuries ago. The city of Jerusalem was founded during the second millennium B.C., and the construction of the first Jewish temple in about 1000 B.C. established it as a holy city. The temple was destroyed by Romans in 70 A.D., when the Romans and it was never rebuilt.

In the years preceding, the birth, ministry and death of Jesus of Nazareth spawned the world's largest religion, Christianity and Jerusalem became Christian-dominated, with many temples like the Church of the Sepulcher being built at that time.

After Muhammad Ibn Abdallah inspired what was to become the world's second-largest faith, Islam, the Muslims recognized the sacred nature of the place and began erecting mosques and monuments, including the Dome of the Rock and the Al-Aqsa Mosque.

Jews and Christians were not legally considered equals of Muslims, and the co-existence of the three religions of Abraham was not easy since those years. In the following years, many tried to conquer Jerusalem, with the Turks finally in 1517, succeeding in making Jerusalem a part of the Ottoman Empire for 400 years.

End of the 19th century

At the end of the 19th century, Jerusalem was part of Palestine, which was part of the (Islamic) Ottoman Empire. By then, antisemitism was on its rise throughout the world and more and more Jews started to believe that they should have their own country. They agreed that that country should lie in the area of Palestine, where their ancestors had lived, and their holy sites stood. More and more Jews started to move to Palestine. We call the Jewish desire for their own country Zionism.

During WW1, the British tried to conquer the area from the Ottomans. In 1915, the British promised the Arab leaders the area of Israel in the McMahon-Hussein correspondence, in exchange for help in their fight against the Ottomans. However, the British promised the area to the Jews as well, in the Balfour Declaration of 1917. The Balfour Declaration was seen by Jewish nationalists as the cornerstone of a future Jewish homeland on both sides of the Jordan River, but increased the concerns of the Arab population in the Palestine region. In 1916, the Anglo-French Sykes-Picot Agreement allocated to the British Empire the area of present-day Isreal. In 1917, Great-Britain gained control of Jerusalem.

After the war, Great-Britain had a problem. They had promised the land to both the Arabs and the Jews. Only after WW2, a definitive decision was being made. In 1948, the United Nations resolved to partition Palestine into Arab and Jewish states, with Jerusalem designated as an international city. Bordering Arab nations resisted the establishment of Israel as an independent state and a war for Israel's independence broke out, which Israel won.

Following the 1948 war and the British departure from Palestine, an armistice agreement between Israel and Jordan divided Jerusalem between the two countries, in defiance of the U.N. partition resolution on Palestine and the international community. With Jordan in control of East Jerusalem (after 1950), Jews were denied access to their holy sites and Christians were subject to restrictions as well.

In 1967, the Six-Day War took place, which Israel won. Israel seized the remainder of Jerusalem but restored access to sacred sites for all religions and the Israeli Prime Minister, Levi Eshkol, declared that "no harm whatsoever shall come to the places sacred to all religions". Following this, Israel adopted the Holy Places Law, a Law intending to ensure free access to the Holy Sites for all three religions and to prohibit any form of desecration to the holy places. In August of the same year, Israel designated the Old City of Jerusalem, including the Haram Al-Sharif/Temple Mount and the Western Wall, as antiquities and as a result prohibited construction and demolitions without authorization from Israeli authorities.

From the 6th until the 25th of October 1973, the Yom Kippur War was launched by a coalition of Arab states led by Egypt and Syria against Israel and ended with the victory of the Israeli military.
The following years were characterized of many conflicts between the Israelis and the Palestinians, of many essays from the international community in order to fix the situation in the holy land and also of Palestine's continuous request from the UN to be recognized as an independent state.

Since then, the United States of America has continuously been giving support to Israel leading at the recognition of Jerusalem as Israel's capital and also at the transfer of its embassy in the region.

The problem

Israeli authorities have separated the city from its Palestinian hinterland through the imposition of a complex system of military checkpoints and permits, preventing their access and thus isolating these sites. Furthermore, Isreal has installed metal detectors at the entrance of the Temple Mount, which led to Palestinian riots.

In 2013, the King Abdullah II of Jordan and President M. Abbas of the Palestinian National Authority signed an agreement reiterating Jordan's role as defender and custodian of the Muslim sites in Jerusalem.
The following three years, certain resolutions were passed by the executive board of UNESCO, resolutions that undoubtedly condemned Israel's actions in the region. These resolutions made Israeli politicians furious, resulting finally in the cessation of relations between the State and the heritage body in October 2016.

Major Parties Involved

Israel
As an independent state since 1948, Israel has occupied Jerusalem and has declared it as the "eternal and undivided" capital of Israel (the Security Council has undoubtedly rejected this declaration). As a result, Israel controls Jerusalem's Holly Sites as well.

Palestine
A de jure sovereign state in the Middle East and a non-member observer state of the United Nations. East Jerusalem (currently occupied by Israel) is designated by Palestine as its capital. Palestine is a member of The Arab League and hence tries to protect Muslims' rights.

The United States of America
The USA always backs Israel in the UN bodies, vetoes decisions against Israel. The most recent kind of support given to Israel by the USA is the fact that president Donald Trump recognized Jerusalem as Israel's capital in December 2017 and the US embassy in Israel was relocated from Tel Aviv to Jerusalem in May 2018.

UNESCO
The United Nation's heritage body has adopted all these aforementioned Decisions condemning Israel's policy, calling it an Occupying Power, and asking from Israel to guaranty free access to Jerusalem's Holly Sites to members of all three monotheistic religions.

The Arab League (League of Arab States)
It is a regional organization of Arab states in and around North Africa, the Horn of Africa and Arabia which tries to help integrate its members economically, and solve conflicts involving member states without asking for foreign assistance. It supports the State of Palestine against Israel and always welcomes UN and UNESCO decisions condemning Israel.

The Jerusalem Islamic Waqf
An Islamic religious trust is best known for controlling and managing the current Islamic edifices on and around the Temple Mount in the Old City of Jerusalem.

Timeline of Events

Date	Description of Event
70	The Romans destroy the Jewish Second Temple
325-326	Roman Emperor Constantine builds the Church of the Sepulcher
637	Arab army conquers Jerusalem; Construction of the Dome of the Rock and Al-Aqsa Mosque
1517	The Turks conquer Jerusalem
1878	European powers confirm in the Treaty of Berlin that "no alteration can be made in the status quo in the holy places".
1922	League of Nations ratifies the British Mandate for Palestine, which calls for "putting into effect" the Balfour Declaration, and for "preserving existing rights and of securing free access to the Holy Places, religious buildings and sites, and the free exercise of worship;" Restorations of the Dome of the Rock and Al-Aqsa Mosque begin.
1930	British authorities establish the International Commission of the Wailing Wall, which concludes that Muslims are the sole owners and proprietors of the Western Wall and adjacent pavement, which combined are a waqf property. The Commission grants Jews full access and devotional rights to the Western Wall but restricts worship
14.5.1948	Declaration of Independence of Israel
May-June 1948	"War of Israeli Independence"
1950	Jordan annexes the West Bank and East Jerusalem
7.6.1967 (during the Six-Day War)	Israeli troops capture the Old City from Jordan and raise the Israeli flag over the Dome of the Rock; Israeli Defense Minister Moshe Dayan claims sovereignty over the Haram Al-Sharif but grants the Waqf full administrative control; Israeli Prime Minister Levi Eshkol declares that "no harm whatsoever shall come to the places sacred to all religions."
20.6.1967	Adoption of Holy Places Law
August 1967	Israel designates the Old City of Jerusalem, including the Haram Al-Sharif/Temple Mount and the Western Wall, as antiquities, thus prohibiting construction and demolitions without authorization from Israeli authorities.
October 1973	Yom Kippur War.
2013	King Abdullah II of Jordan and President M. Abbas of the Palestinian National Authority sign an agreement reiterating Jordan's role as defender and custodian of the Muslim sites in Jerusalem
November 2015	Adoption of UNESCO's 197 EX/Decision 32
April 2016	Adoption of UNESCO's 199 EX/Decision 19.1
October 2016	Adoption of UNESCO's Document 200 EX/25 ("Occupied Palestine resolution") Israel cut relations with UNESCO after the resolution

15.7.2017	Prime Minister Netanyahu announces that the Haram Al-Sharif/Temple Mount complex will reopen the next day following the installation of metal detectors and security cameras.
14.5.2018	The United States formerly relocates its embassy to Jerusalem from Tel Aviv

Previous Attempts to Solve the Issue

UNESCO has adopted several resolutions concerning access to religious sites in Jerusalem. They point out that Israel continuously represses East Jerusalem and that it must cease the persistent excavations there since these are Occupied territories and it is not Israel's responsibility to do any works whenever it wants.

Moreover, they condemn Israel's actions because of the fact that they are illegal measures which hinder the freedom of worship and Muslims' access to their holy site. They also request from Israel to stop these measures and respect the pre – 1967 status quo that Israel itself has voted. They accuse Israel of being responsible for a large number of arrests and injuries among Muslim worshippers and guards and asks from it to stop any violation against the Waqf properties.

Another issue that concerns UNESCO is the refusal of Israel to grant visas to UNESCO experts in order for them to check the situation in the region and investigate whether UNESCO decisions are implemented and therefore, these resolutions call Israel to do so.

In addition, they ask from Israel to lift the ban on the al-Rahma Gate building (one of the Al-Aqsa Mosque/al-Haram ash-Sharif gates). Namely, this ban obstructs the renovation that is necessary in order to fix the damage caused by the weather conditions.

Generally, the goal of these resolutions is to make Israel respect every waqf property because according to UNESCO, Israel is responsible for obstructing the free worship of Muslims at the holy city. However, they all have been proved ineffective as Israel refuses to implement them, and they also have been blamed by many politicians for misrepresenting the state of Israel. This is the reason why Israel decided to cut ties with the heritage body of the UN.

In January 2017, the current Secretary-General stated that there is no doubt that Jerusalem was holy to all three of the major monotheistic religions. He also stated that it is completely clear that "the Temple that the Romans destroyed in Jerusalem was a Jewish temple". According to Palestine, this statement "ignored UNESCO's decision that considered the Al-Aqsa Mosque of pure Islamic heritage" and added that the UN Secretary-General had "violated all legal, diplomatic and humanitarian customs and overstepped his role as secretary general…and must issue an apology to the Palestinian people."

Reading these resolutions but also this statement, it is clear that previous attempts to solve the issue made it impossible for all countries to be satisfied. Thus, delegates must bear in mind that a solution must be found that is fair for all, unlike for example UNESCO resolutions that are clearly opposed to Israel.

The Future

Concerning the future of this issue, it is clear that unless a resolution passes which is supported by countries directly involved (and especially Israel) the intense situation in the Holy City will continue. There will be a continuous clash both between religious groups and also between one of them and police forces.

Until this moment, no plan or resolution from the UN is known to be put in action in the near future in order to enhance the situation there. The reason for this is because all resolutions passed by the UN heritage body, UNESCO, in the past were rejected and none of them was implemented by Israel. Therefore, it is wrong for delegates to think that the implementation of UN's decisions is always the easiest and most effective way to solve international problems.

It is true that clashes have often broken during the past years between worshippers and Israeli forces. Due to the fact that Israel is the *Occupying Power*, the scope of free access to the Holy Places, not only for worshippers, but for UNESCO officers as well, cannot be achieved without Israel's willingness and collaboration.

Following UNESCO's last resolutions, Israel claims that UNESCO's executive board underestimates Israelis' ties to its holy places. On the other hand, Muslims are not willing to recognize this Jewish heritage.

Hence, future resolutions and statements of UN and UNESCO officials, as well as international political efforts should try to restore unanimous acceptance of the fact that the Temple Mount / al-Haram al-Sharif is a holly and sacred place for all three monotheistic religions.

Moreover, as it seems that the main issue of the Status of Jerusalem (namely the occupation of the Eastern Part by Israel) is hard to be resolved, delegates will have to focus on solutions that may be achieved within the current status-quo and will focus only on the problem of the Holly Cites and not on the Jerusalem issue as a whole.

As the UNESCO members are currently unable to visit the place, due to the fact that the Israeli State doesn't give them visas, the situation in the place is not observed and assessed by any international factor and as a result the tension continues.

Thus, as a next step, Israel should accept a multiparty control over said Holly Cites, which would secure, not only free access to worshippers of all religions but would also safeguard that no alteration be made in the status quo of the Holy Places. It is clear that Israel will never accept the development of international guards/forces for the security of the Holy Places, as this would put into question its alleged rights on Jerusalem. Therefore, efforts should be made for the organization of an international permanent committee, to which representatives from the three religions, as well as Israeli and Palestine delegates and UN officials would participate. This committee could draw up guidelines and instructions for a permanent regulation of free access to the Holy Places and of the preservation of the status quo of the site.

We may wait for decades until the Israel/Palestine issue is solved, but in the meantime worshippers from all three religions should be able to enjoy full access to their religion's Holly Sites, something that seems very difficult to be achieved considering the ongoing situation.

Important Decisions a Resolution Must Take

As we've seen in the General Overview of the question, it is an issue that surpasses the limited framework of relations between the three religious groups since many countries are involved, including countries that support the ones in the region (like the USA continuously back Israel) but also organizations like UNESCO which in many cases fail to find a solution that pleases in the best way possible the States involved.

Hence, it should be made clear to you delegates that you should not limit yourselves only in the dealing with the problematic relations between the religious groups, but also include in your research other factors. For instance, you should wonder whether richer and more powerful countries are responsible for a problem. Namely, is the support given to Israel by the USA responsible for the empowerment of Israel and for the boost of its confidence in order to act against other minorities (since it is reassured that it has the USA as its ally)?

Similarly, you should ask yourselves: is UNESCO truly misrepresenting Israel or the resolutions passed in the past are totally fair and should be implemented by the Israeli side? Can a fairer solution be found? And if yes, does any organization exist now that can act as a mediator in order to solve the issue?

These are two typical examples in order for you delegates to examine what can be done with external factors like the USA or the international organizations that affect directly the issue at hand.

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